

1
2
3
4
5
6
7
8
9

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MICHAEL B. WILLIAMS,

11 Petitioner,

12 v.

13 STEPHEN MAYBERG, Warden,

14 Respondent.

No. C 03-5147 MMC (PR)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

(Docket No. 56)

15
16 On November 21, 2003, petitioner, a civil detainee then confined at Atascadero State
17 Hospital pursuant to California Welfare and Institutions Code § 6602, filed the above-titled
18 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a 1991 state
19 court conviction. On November 8, 2004, respondent's motion to dismiss the petition as
20 untimely was granted, judgment was entered in respondent's favor, and the case was closed.
21 The Ninth Circuit Court of Appeals thereafter denied petitioner's request for a certificate of
22 appealability. Subsequently, petitioner filed a motion for reconsideration in this court, which
23 motion was denied on April 27, 2007. Thereafter, the Court denied petitioner's request for a
24 certificate of appealability with respect to the denial of the motion for reconsideration. The
25 Court of Appeals likewise denied petitioner's request for a certificate of appealability with
26 respect thereto.

27 On October 15, 2009, petitioner filed a second motion for reconsideration. The Court
28 denied that motion on August 3, 2010. Petitioner has now filed a notice of appeal and
request for a certificate of appealability with respect to the denial of his second motion for

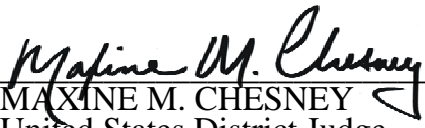
1 reconsideration. Petitioner has not shown, however, “that jurists of reason would find it
2 debatable” whether the Court was correct in its ruling. See Slack v. McDaniel, 529 U.S. 473,
3 484 (2000). Accordingly, the request for a certificate of appealability is hereby DENIE

4 The Clerk shall forward this order, along with the case file, to the United States Court
5 of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of
6 appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

7 This order terminates Docket No. 56.

8 IT IS SO ORDERED.

9 DATED: October 21, 2010

10 
MAXINE M. CHESNEY
United States District Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California